

**SETTLEMENT AGREEMENT
BETWEEN THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL
AND JULIO BRINCAT (EPA ID No. CAL000203437)**

The California Department of Toxic Substances Control (Department) and Julio Brincat, d.b.a. Brincat's High Tech (Respondent) enter into this Settlement Agreement (Agreement) as follows:

1. Pursuant to Health and Safety Code section 25184.1 and Code of Civil Procedure section 538.420, the Department's Decision in the matter of Julio Brincat, d.b.a. Brincat's High Tech, Docket No. HWCA No. SRPD01/02NNS-4257, issued by the Department on November 25, 2002, and served on Respondent, has become final. A copy of the Department's Decision is attached as Exhibit A.

2. This Agreement shall constitute full settlement of the violations stated in the attached Decision, but does not limit the Department from taking appropriate enforcement action concerning other violations.

3. Respondent shall pay the Department a penalty of \$12,000.00. Within 30 days of the effective date of this Agreement, Respondent shall pay the Department \$3,000.00. Within 60 days of the effective date of this Agreement, Respondent shall pay the Department an additional \$1,000.00. Respondent shall pay the Department the balance of \$8,000 by making 24 monthly payments of either \$334.00 or \$333.00 as specified in paragraph 4, so that the balance owed does not exceed the amount indicated on the specific date set forth in paragraph 4. As an alternative, Respondent may at his option make a larger payment in any one month and credit the excess monthly payment to all or a portion of the payment due in a subsequent month. Each payment to reduce the balance to the required level is due on the fifteenth day of each month, with the first payment due on May 15, 2005 and the last payment due on April 15, 2007.

4. Respondent shall make payments as required to reduce the balance remaining to be paid in accordance with the following schedule:

<u>Balance Remaining to be Paid</u>	<u>On Date</u>
\$ 9,000.00	30 days from Effective Date of Agreement
\$ 8,000.00	60 days from Effective Date of Agreement
\$ 7,666.00	May 15, 2005
\$ 7,333.00	June 15, 2005
\$ 7,000.00	July 15, 2005
\$ 6,666.00	August 15, 2005
\$ 6,333.00	September 15, 2005
\$ 6,000.00	October 15, 2005
\$ 5,666.00	November 15, 2005
\$ 5,333.00	December 15, 2005
\$ 5,000.00	January 15, 2006
\$ 4,666.00	February 15, 2006
\$ 4,333.00	March 15, 2006
\$ 4,000.00	April 15, 2006
\$ 3,666.00	May 15, 2006
\$ 3,333.00	June 15, 2006
\$ 3,000.00	July 15, 2006
\$ 2,666.00	August 15, 2006
\$ 2,333.00	September 15, 2006
\$ 2,000.00	October 15, 2006
\$ 1,666.00	November 15, 2006
\$ 1,333.00	December 15, 2006
\$ 1,000.00	January 15, 2007
\$ 666.00	February 15, 2007
\$ 333.00	March 15, 2007
\$ 0.00	April 15, 2007

5. Respondent may choose to pay the entire balance earlier than scheduled. Each payment to the Department shall be sent to the following address together with a copy of this Agreement:

Department of Toxic Substances Control
Accounting Office
P. O. Box 806
Sacramento, California 95812-0806.

A photocopy of each check shall be sent to:

Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive, 3rd Floor
Sacramento, California 95826-3200.

6. If Respondent fails to make any payment as required in Paragraph 3 and 4, the entire balance of \$15,750.00 as assessed by the Enforcement Order shall become due and payable to the Department immediately, and Respondent shall pay interest on the entire balance at the rate established pursuant to Health and Safety Code section 25360.1, and shall pay all costs incurred by the Department in pursuing collection including attorney's fees.

7. Respondent waives any right to any further appeal, hearing, or judicial or administrative process in this matter.

8. This Agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except by further written agreement.

9. The effective date of this Agreement is the date it is signed by the Department.

Dated: <u>February 28, 2005</u>	<u>Original signed by Julio Brincat</u> JULIO BRINCAT, d.b.a. Brincat's High Tech
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Dated: <u>March 8, 2005</u>	<u>Original signed by Charles A. McLaughlin</u> CHARLES A. MCLAUGHLIN, Chief State Oversight and Enforcement Branch Statewide Compliance Division Department of Toxic Substances Control
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